

REMARKS/ARGUMENTS

35 USC 112

The Office rejected claim 17 as having insufficient antecedent basis with respect to the language "out ring portion". The Applicant agrees, and has corrected the defect.

35 USC § 102

The Office rejected claims 1, 2, 6-8, 12, 13, 16-18 and 21 as being anticipated by Dame (US5620032). Those rejections are overcome herein by amendment.

Claim 1 and its dependencies are amended to include the limitation that the diaphragm seals a lumen of the spout against flow of the fuel. Dame doesn't do that. Dame's flaps 20, 22 provide a barrier to flow of fuel, but since the flaps have linear sides and the lumen is circular, the flaps cannot possibly seal the lumen.

Claim 16 and its dependencies are amended to include the limitation that the diaphragm has at least three branches. Dame's barrier has only two branches.

35 USC § 103

The Office rejected claims 3, 4, 6, 7, and 19 as being obvious over Dame in view of Brown et al. (US5213236). Those rejections are overcome herein by amendment.

With respect to claim 1 and its dependencies, Brown teaches a diaphragm valve that operates independently of any other valve. There is no teaching, motivation or suggestion to utilize such a diaphragm downstream of a shutoff valve. Additionally with respect to claims 3, 5 and 12, there is no teaching, motivation or suggestion for the diaphragm to be non-planar, or donut shaped, or packaged in an installation frame sized and dimensioned to be inserted into the spout.

With respect to claim 16 and its dependencies, Brown teaches a flat diaphragm valve with four branches, but the subject matter being claimed is a domed valve with at least three branches. There is no teaching, motivation or suggestion for the diaphragm to be domed. Additionally with respect to claim 17 there is no teaching, motivation or suggestion for the diaphragm to have an outer ring that is continuous with the domed portion. Additionally with

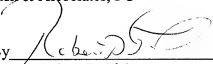
respect to claim 18 there is no teaching, motivation or suggestion for the diaphragm to be sized and dimensioned to be positioned near an end of the spout. Brown's diaphragm valve has a tiny opening, only sufficient for hand lotion or toothpaste, not a gasoline nozzle. Additionally with respect to claim 18 there is no teaching, motivation or suggestion for the diaphragm to be donut shaped. Additionally with respect to claim 22 there is no teaching, motivation or suggestion for the diaphragm to be operable with such low pressure. In the circumstances contemplated by Brown, such a flexible diaphragm would likely have a serious leakage problem.

Request For Allowance

Claims 1-10, 12-13 and 15-22 are pending in this application. Claims 11 and 14 are canceled. The applicant requests allowance of all pending claims.

Respectfully submitted,
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